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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,438	03/02/2004	Kazuya Matsumoto	17509	3434
23389	7590	12/13/2005	EXAMINER	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			ROJAS, BERNARD	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/791,438	MATSUMOTO, KAZUYA <i>pw</i>
	Examiner	Art Unit
	Bernard Rojas	2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) 8-11, 17 and 18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 12-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03022004
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

Claims 8-11 and 17-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/12/05.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Arima [US 6,859,121].

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1, Arima discloses an electromagnetic drive type actuator comprising:

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a movable plate having a flat surface [124];

a support [112] positioned around the movable plate;

an elastic member [132, 142], which is elastically deformable, connecting the movable plate with the support, the elastic member supporting the movable plate so as to allow the movable plate to move directions parallel to the flat surface of the movable plate [figure 6];

wirings [152, 162] which carry currents, extending through the support, the movable plate and the elastic member; and

magnetic field generating means [104, 152, 162] for generating a magnetic field space around the movable plate, the magnetic field having a direction orthogonal to the flat surface of the movable plate, so that the movable plate is moved in the directions parallel to the flat surface of the movable plate by an interaction between the currents flowing through the wirings and the magnetic field generated by the magnetic field generating means [figure 6].

Claim 2, Arima discloses the electromagnetic drive type actuator to claim 1, wherein the elastic member has according a mesh structure [figure 5].

Claim 3, Arima discloses the electromagnetic drive type actuator according to claim 1, wherein the elastic member comprises parts [132, 142] extending in two directions, which are not parallel to each other.

Claim 4, Arima discloses the electromagnetic drive type actuator according to claim 3, wherein the two non-parallel directions, along which the parts constituting the

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elastic member extend, are orthogonal to each other, the wirings comprise parts extending along two directions, which are orthogonal to each other [figure 4].

Claim 5, Arima discloses the electromagnetic drive type actuator according to claim 4, wherein the magnetic field has a direction that is substantially orthogonal to the flat surface of the movable plate [figure 6].

Claim 6, Arima discloses the electromagnetic drive type actuator claim 5, wherein the magnetic field generating means comprises a permanent magnet arranged in a direction that substantially orthogonal to the flat surface of the movable plate [figure 1].

Claim 7, Arima discloses the electromagnetic drive type actuator according to claim 5, wherein the magnetic field generating means comprises an electromagnet [permanent magnet 104 interacting with the currents in the coils 152, 162].

Claim 12, Arima discloses an electromagnetic drive type actuator comprising:  
a movable plate [124] having a flat surface;  
a support [112] positioned around the movable plate;  
an elastic member [132, 142], which is elastically deformable, connecting the movable plate with the support, the elastic member supporting the movable plate so as to allow the movable plate to move directions parallel to the flat surface of the movable plate [figure 6];

wirings [152, 162], which carry currents, extending through the support, the movable plate and the elastic member [figure 4]; and

a magnetic field generator [104, 152, 162], which generates a magnetic field in a space around the movable plate, the magnetic field having a direction orthogonal to the

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flat surface of the movable plate, so that the movable plate is moved in the directions parallel to the flat surface of the movable plate by an interaction between the currents flowing through the wirings and the magnetic field generated by the magnetic field generator [figure 6].

Claim 13, Arima discloses the electromagnetic drive type actuator to claim 12, wherein the elastic member has according a mesh structure [figure 5].

Claim 14, Arima discloses the electromagnetic drive type actuator according to claim 12, wherein the elastic member comprises parts [132, 142] extending in two directions, which are not parallel to each other.

Claim 15, Arima discloses the electromagnetic drive type actuator according to claim 12, wherein the two non-parallel directions, along which the parts constituting the elastic member extend, are orthogonal to each other, the wirings comprise parts extending along two directions, which are orthogonal to each other [figure 4].

Claim 16, Arima discloses the electromagnetic drive type actuator according to claim 15, wherein the magnetic field has a direction that is substantially orthogonal to the flat surface of the movable plate [figure 6].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Bernard Ryan*  
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